

REMARKS

In the February 7, 2007 Office Action, the Examiner noted that claims 5, 9 and 25-28 were pending in the application; rejected claims 25, 27 and 28 under the second paragraph of 35 U.S.C. § 112 and rejected claims 5, 9 and 25-28 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent 3,823,387 to McClellan (Reference A in the February 7, 2007 Office Action). Claim 29 has been added. Thus, claims 5, 9 and 25-29 remain in the case. The rejections are traversed below.

Rejections under 35 U.S.C. § 112 & Request for Interview

In item 2 on pages 2-3 of the Office Action, claims 25, 27 and 28 were rejected under the second paragraph of 35 U.S.C. § 112 as indefinite, due to lack of clarity in the claims regarding **"what is storing at 'least information' identifying commodities"** (Office Action, page 2, lines 20-21, emphasis in original); **"where is the data coming from"** (Office Action, page 2, line 22); why data is stored **"in two units if there is no comparison"** (Office Action, page 2, line 23); **"how one would identify information stored in the second storage unit reading price changes without using a search key to identify what one is searching for and comparing the data ... in the two storage units"** (Office Action, page 2, lines 24-26); and **"what is judging both the first and second commodities as tradable candidates"** (Office Action, page 3, lines 1-2).

In response to these questions, the independent claims have been extensively amended and a new claim 29 using different language has been added. The undersigned attempted to contact the Examiner by telephone during the month of June and early July to discuss the language used in the new claims, but no return call was received. **The Examiner is respectfully requested to contact the undersigned by telephone to arrange an interview prior to issuing another Office Action**, if the rejections under 35 U.S.C. § 112 are not withdrawn.

Rejections under 35 U.S.C. § 102(b)

In item 4 on pages 3-5 of the Office Action, claims 5, 9 and 25-28 were rejected under 35 U.S.C. § 102(b) as anticipated by McClellan. However, the statements in the rejection under 35 U.S.C. § 112, such as **"the examiner interprets the limitation[s] in light of this [§] 112, second [paragraph] rejection,"** suggest that the prior art rejection was the result of a failure to give full weight to the limitations recited in the claims. For example, the question **"what is judging both the first and second commodities as tradable candidates"** (Office Action, page 3, lines 1-2) could not apply to the previously presented claims, because of the independent claims 25, 27 and 28,

claim 25 clearly recited, "a sale and purchase situation judgment unit judging both the first commodity and the second commodity as tradable candidates" (previously presented claim 25, lines 12-13) and claims 27 and 28 are computer readable medium and method claims, respectively; and thus, for these claims it is irrelevant "what" is doing the judging.

Therefore, the question regarding "what is judging both the first and second commodities as tradable candidates" suggests that the Examiner may not have understood the disclosure of the invention. If there was difficulty understanding how claim 25 corresponds to the embodiment disclosed in the specification, the question of "what is judging" is particularly troubling, since the only differences between "a sale and purchase situation judgment unit" as recited in claim 25 and the "purchase and sale state judgment unit" 22, 32 in Fig. 1 are the order of the words "sale" and "purchase" and the use of the similar words "situation" and "state." The illustration of two purchase and sale state judgment units in Fig. 1 should not be cause for confusion, since the specification clearly describes the system as being able to determine tradable candidates for either a purchaser or a seller and purchase and sale state judgment unit 22 is on the "PURCHASING SIDE," while purchase and sale state judgment unit 32 is on the "SELLING SIDE." If the Examiner has had difficulty following the disclosure of the invention in the specification, **the Examiner is respectfully requested to contact the undersigned to arrange an interview prior to issuing another Office Action with less than a reasonable understanding of the invention.**

Apparently as a result of misapprehension of the invention by the Examiner, there are numerous differences between what is disclosed in McClellan and what is recited in the amended claims. In rejecting the claims, the Abstract, column 3, lines 14-47; column 4, lines 36-67; column 7, lines 30-34 and column 8 lines 8-60 of McClellan were cited. Only a single storage unit is described in these portions of McClellan. No suggestion has been found of "a first registered commodity data storing unit, associated with a first transaction partner" (claim 25, lines 3-4) and "a second registered commodity data storing unit associated with at least a second transaction partner" (claim 25, lines 8-9). As a result, there is no suggestion that different information is stored in each storing unit, i.e., "information relating to public disclosure indicating whether reference by other transaction partners is allowed" (claim 25, lines 6-7) in the first registered commodity data storing unit and "price change conditions including information of an associated commodity transacted with the least one commodity" (claim 24, lines 10-12) in the second registered commodity data storing unit. Furthermore, no suggestion has been found in McClellan of performing the operations performed by the search unit and the sale and purchase situation judgment unit recited in claim 25.

Limitations similar to those recited in claim 25 are recited in claims 27 and 28. For at least the reasons discussed above, it is submitted that claims 5, 9 and 25-28 patentably distinguish over McClellan.

New Claim 29

Claim 29 has been added to recite the invention using alternative language in an effort to clarify for the Examiner why there are different storing units and how they are used. It is submitted that claim 29 patentably distinguishes over McClellan for reasons similar to those discussed above.

Summary

It is submitted that McClellan does not teach or suggest the features of the present claimed invention. Thus, it is submitted that claims 5, 9 and 25-29 are in a condition suitable for allowance. Reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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